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C O N F I D E N T I A L SECTION 01 OF 02 TAIPEI 001324

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SUBJECT: NEXT STEPS FOR ANTI-TRAFFICKING EFFORTS ON TAIWAN

Classified By: AIT Director Bill Stanton,
for reasons 1.4 (B) and (D).

¶1. (C) Summary: Engaging Taiwan labor authorities remains a key goal for local U.S. counter-trafficking efforts. Recent high-profile anti-trafficking events, including G/TIP Ambassador Luis CdeBaca's October 23 DVC on labor trafficking, AIT Deputy Director's October 26 speech calling for increased international cooperation, and the November 2 press launch of MTV-EXIT anti-trafficking concerts in Taipei and Kaohsiung, have set the tone for a productive and collaborative U.S.-Taiwan relationship focused on comprehensive strategies for achieving our common counter-trafficking objectives. We should take advantage of the timing to present Taiwan authorities with a Roadmap outlining steps they can take to further strengthen their counter-trafficking programs in compliance with the minimum standards laid out in the U.S. Trafficking Victims Protection Act. End Summary.

New Developments Since TIP Report

¶2. (SBU) The Human Trafficking Prevention Act passed by Taiwan's legislative branch this past January went into force June 1. This comprehensive law criminalized sex, labor, and organ trafficking, supplementing existing statutes such as the Child and Youth Sexual Transaction Prevention Act (CYSTPA), the Labor Standards Law, and Articles 296 and 296-I of the Criminal Code. Under the Act, authorities can freeze a suspected trafficker's assets and, on final conviction, use those assets to compensate victims.

¶3. (SBU) The new law also loosened restrictions on victim identification. Trafficking victims are no longer required to obtain a witness protection certificate in order to receive support services and immigration benefits - a key obstacle to the issuance of work permits during the period covered by the last TIP report. So far, 40 trafficking

victims have been issued work permits. NGOs report that issuance times have decreased dramatically since the program's inception; labor and immigration authorities have approved applications within one month.

14. (SBU) In August, the National Immigration Agency opened a new shelter, operated by Good Shepherd Social Welfare Services under the Catholic Diocese. Immigration authorities have used the Nantou shelter to continue improvements to the delivery of victim services and to encourage cooperation from other stakeholders. The Nantou shelter's digital videoconference facilities, for example, allow victims to give depositions on location, thereby easing prosecutors' concerns over the availability of witnesses.

15. (SBU) The Council of Labor Affairs (CLA) in July established a new toll-free worker counseling and protection hotline (1955). The hotline provides information, legal counseling, referrals, protection and placement services, and fast-track complaint service 24 hours per day, 365 days per year. The hotline also refers complaints to local law enforcement and prosecutors when allegations of a crime, such as assault or trafficking, arise.

16. (SBU) Authorities have concurrently committed to increasing regional cooperation and have begun negotiations with Vietnam on a Mutual Legal Assistance Agreement. In addition, Taiwan authorities have proposed revisions to the Memorandum of Understanding (MOU) on Labor signed November 2008 with Indonesia. These revisions would establish a

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bilateral cooperation mechanism on trafficking issues. Authorities seek a similar provision for the Taiwan-Thailand Direct Employment Agreement.

TIP Strategy in Taiwan: Getting Labor Council Buy-In

17. (C) G/TIP Ambassador CdeBaca, during an October digital videoconference on labor trafficking hosted by the American Cultural Center, lauded Taiwan's progress on anti-trafficking, and in particular its efforts to educate guest workers. The Ambassador's comments that Taiwan could serve as a model for regional trafficking prevention and protection programs captured the attention of Taiwan's labor agency. Our goal has been to ensure that Taiwan authorities continue to work with officials and NGOs in labor source countries to close loopholes, refine policies, and increase cooperation on the reintegration and recovery of victims.

18. (SBU) AIT has also worked to raise the profile of human trafficking on Taiwan through a variety of public awareness programs. Most recently, AIT Deputy Director Eric Madison delivered a speech on expanding international cooperation to a conference on victim protections; other keynote speakers included officials from the National Immigration Agency and the Ministry of Interior. In addition to speaker outreach programs and DVCs, AIT has supported events such as the MTV-EXIT regional anti-trafficking campaign, which recruited top local talent for concerts in Taipei (November 7) and Kaohsiung (November 14). Aside from conducting our own public education and awareness activities, AIT has also encouraged Taiwan labor authorities to continue to invest in ongoing education programs and public awareness campaigns and to consider instituting programs to educate employers on their rights and obligations under the new laws.

19. (C) Through a more collaborative approach, we hope to encourage greater buy-in by labor authorities for Taiwan's counter-trafficking strategy. Thus far, CLA's flexibility has been limited by an active lobby of Taiwan employers, brokers, and families of the elderly and disabled. The latter lobby has been the more politically sensitive, arguing that increased costs would make it impossible for these economically disadvantaged families to find the help they

need.

Comment: Time for Roadmap

¶10. (C) Following on the heels of Ambassador CdeBaca's DVC and the Deputy Director's keynote speech, the time is ripe for the delivery of the Roadmap to Tier 1 we have been promising our Taiwan counterparts for over a year. We have grabbed their attention for now, but if we wait too long to follow up, we may just as easily lose it. More consistent and sustained engagement is required on our part if we want to see substantial, long-term improvements on labor trafficking. The Roadmap that G/TIP Senior Coordinator Mark Taylor drafted last year can provide the basis for this increased engagement. Followed by a visit from Ambassador CdeBaca to Taipei, it could provide just enough push to encourage authorities to redouble their efforts on labor issues. It could also signal our Taiwan counterparts that the U.S. is prepared to engage authorities beyond the TIP report, building a collaborative approach positively focused on the future, rather than mired in the past.
STANTON